REMARKS

Claims 36-83 are pending in the present application. Claims 36, 47, 48 51, 62, 63, 66 and 81-83 are herein amended. Support for the amendments may be found throughout the specification and figures, in particular, at least paragraphs [0146]-[0154] of the published specification.

The amendments are made solely to expedite prosecution of the application without admission as to the propriety of the rejections set forth in the present Office Action and without acquiescence to the examiner's characterization of the claims or prior art. Applicants respectfully reserve the right to include claims of the same or different scope as previously written in one or more continuing applications.

Claim Rejections – 35 U.S.C. § 112

Claims 36-50 stand rejected under 35 U.S.C. §112 as allegedly being indefinite. In particular, the Examiner alleges that it is not clear whether the processors are merely programmed to be capable of running any software that it is instructed to execute or if the one or more processors are actively programmed with the specific modules claimed. Solely to expedite prosecution of the application without admission as to the propriety of the rejection set forth in the present Office Action and without acquiescence to the examiner's characterization of the claims, independent claim 36 is amended. This amendment is believed to be sufficient to overcome the instant rejection.

Claim Rejections – 35 U.S.C. § 103

Independent claims 36, 51 and 66 stand rejected under 35 U.S.C. §103(a) as unpatentable over Acosta (U.S. Pat. No. 6,643,625), in view of Business Wire (Triangle Announces Introduction of DESC 2000, Business Wire, May 27, 1999), in further view of Libman (U.S. Pat. Pub. No. 2007/0043654) and in further view of Kaniwa (US Pat. Pub. No. 2002/0077968). Independent claims 81-83 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Acosta in view of Business Wire, in further view of Libman, in further view of Olin (U.S. Pat. No. 7,184,981), in further view of Kaniwa. Applicants respectfully traverse this rejection.

Applicants submit that Acosta, Business Wire, Libman and Kaniwa, when considered alone or in combination, fail to disclose, teach or suggest all of the limitations of independent claim 36. For example, none of those references discloses, teaches or suggests a system that includes a sample selection module that has a first tool that aggregates loans in a loan pool into a plurality of risk result groups. After the loans in the loan pool are aggregated into a plurality of risk result groups, loans from each of the plurality of risk result groups are selected up to a designated target loan sample size where the designated target loan sample size is less than the loan pool sample size.

The Examiner acknowledges that Acosta and Business Wire fail to disclose the above features. Instead, the Examiner alleges that Libman discloses the above feature. In particular, in the Response to Arguments Section, the Examiner alleges that Libman discloses a system where information for a loan is obtained and collected into a set. (See Office Action page 3.) Further, the Examiner states that at some point in the process a "set" is obtained and the collection process ends. (See Office Action page 3.) At the point where the selection process ends, the Examiner alleges that a target loan sample size exists. (See Office Action page 3.) In addition, the Examiner relies on paragraphs [0037]-[0046] and [0057] to allege that Libman teaches selecting an amount of the plurality of loans from each of the plurality of risk results up to a designated loan sample size.

However, Libman fails to disclose selecting loans from the risk result groups up to a designated target loan sample size, which is less than the loan pool sample size, as required by the independent claims. Instead, as acknowledged by the Examiner, Libman only teaches collecting loan information into a "set" with a corresponding loan pool sample size. (See Libman's paragraph [0042].) Further, Libman discloses grouping loans into multiple pools based on risk. (See Libman's paragraph [0044].) For example, Libman's Fig. 4a shows an information set of 15,000 loans that are divided into groups by initial LTV increments of 5 for the range between 65 and 94. Assuming Libman's LTV groups could be construed as risk result groups, as recited in the independent claims, Libman still does not disclose selecting a designated number of

loans from each of the risk result groups, where the designated number of loans selected is less than the size of the loan pool.

In addition, Kaniwa fails to cure the deficiencies of Libman. Specifically, Kaniwa teaches data sampling where a plurality of loans are selected from a loan pool while maintaining predetermined component ratios. (See Kaniwa's paragraph [0027].) Kaniwa explains that by using component ratios as sampling conditions on a single loan pool, a credit risk can be established for the pool. (See Kaniwa's paragraph [0027].) Kaniwa, however, is silent with regard to a system where a plurality of loans can be selected from a plurality of risk result groups, where the risk results groups are formed from loans from a loan pool.

Therefore, for the above reasons, the applied references fail to disclose, teach or suggest all of the features of the claim 36. Rejections of independent claims 51, 66 and 81-83 rely on the same reasoning and interpretation of the applied references as is made in the claim 36 rejection. For the same reasons provided by Applicants above with regard to claim 36, as applicable, reconsideration and withdrawal of the rejections of claims 51, 66 and 81-83 is also respectfully requested. In addition, because independent claims 36, 51, 66 and 81-83 are allowable, claims 37-50, 52-65 and 67-80 which depend there from are also allowable for at least the same reasons.

Applicants' silence with respect to the specific rejections of the dependent claims should not be construed as a concession that the features of such claims are shown in the cited references. Rather, Applicants' silence is based on the belief that the foregoing adequately traverses the rejections of the dependent claims. Applicants hereby reserve the right to address and traverse the specific rejections of any of the dependent claims in the future.

Conclusion

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application, including claims 36-83, is in condition for allowance and such action is respectfully request. Should Examiner feel that there are any issues outstanding after consideration of the response; Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310 (Matter No. 101612-5032). This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1. 136(a)(3).

Respectfully submitted,

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